

EXAMINER STATEMENT

1. This action is responsive to the amendment filed on 03/22/2009 further to interview on March 10 and 16, 2010. Of the original claims 1, 4-6, 10-15 and 17-18, claims 1, 6, 10, 14-15 and 17-18 have been amended, and claim 13 has been canceled by applicant's amendment. Therefore, claims 1, 4-6, 10-12, 14-15 and 17-18 are under consideration for prosecution of this application.

AMENDMENTS TO THE SPECIFICATION

2. In response to applicant request to amend the specification to replace abbreviation FASB by Financial Accounting Standards Board (FASB), the specification will be amended by replacing paragraph 3 on page 3 with the following:

According to some embodiments, agreement information is retrieved from a counterparty system. According to some embodiments, netting determinations are forwarded to systems including counterparty agreement database systems, credit systems and Financial Accounting Standards Board (FASB) systems. According to some embodiments, net positions between a contracting entity and a counterparty are tracked based on the outcome of netting determinations.

Summary of this Office Action

3. Applicants' arguments filed on 12/23/2009 have been fully considered, and discussed in the next section below, are deemed to be persuasive. Examiner amendments include amendment of claim1 by addition of feature "said netting rule is

established by training a netting decision engine" which is presented in independent claims 10, 17 and 18. Therefore, claims 1, 4-6, 10-12, 14-15 and 17-18 are deemed to be allowable over the prior art of record, and applicants' request for allowance is respectfully granted.

EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

5. Authorization for this examiner's amendment was given in a telephone interview with attorney Daniel C. Sheridan (registration # 53,585) on March 23, 2010. The application has been amended as follows:

1. *(Currently Amended) A processor-implemented method for performing a netting analysis of a netting agreement, the method comprising:*

receiving netting agreement information for said netting agreement, said netting agreement information identifying a party, a counterparty, and facts governing said netting agreement, the facts of said netting agreement including: a form of agreement, a governing law, a country of organization, a state or province of organization, a legal structure, a parent company country of organization, and a parent company legal structure;

receiving at least one issue associated with said agreement, the at least one issue based on an existence or non-existence of particular facts in the facts governing said netting agreement;

analyzing said netting agreement by comparing, via a processor, said facts governing said netting agreement information with a netting rule that applies to the netting agreement for said at least one issue, said netting rule is established by training a netting decision engine; and

generating a netting determination indicative of an ability of the party and counterparty to net under said netting agreement based, at least in part, on a result of said analyzing, wherein said netting determination includes a qualification of said netting agreement and a level of confidence indicative of enforceability, wherein the level of confidence is retrieved from a rule database based on an outcome of the rule application.

2-3. *(Previously Canceled)*

4. *(Original) The method of claim 1, further comprising:*

forwarding said netting determination to an agreement database.

5. *(Original) The method of claim 1, further comprising:*

forwarding said netting determination to a credit database; and

updating a net credit amount associated with said counterparty and said party in said credit database.

6. *(Previously Amended) The method of claim 1, further comprising:*

forwarding said netting determination to a Financial Accounting Standards Board (FASB) database; and

updating a netting amount associated with said counterparty and said party in said FASB database.

7-9. *(Previously Canceled)*

10. *(Previously Amended) A processor-implemented method for performing a netting analysis of a netting agreement, the method comprising:*

identifying fact data associated with said netting agreement, said fact data including data identifying a contracting entity and data identifying a counterparty;

identifying a default set of issues associated said fact data associated with said netting agreement, said default set of issues based on an existence or non-existence of particular facts governing said netting agreement;

identifying facts in said fact data associated with said netting agreement and associated with a first issue from said default set of issues, said facts including: a form of agreement, a governing law, a country of organization, a state or province of organization, a legal structure, a parent company country of organization, and a parent company legal structure;

analyzing said netting agreement by applying, via a processor, a netting rule to said fact data for said first issue, said netting rule selected based at least in part on said first issue, said netting rule is established by training a netting decision engine; and

generating a netting determination based at least in part on said analyzing application and indicative of an ability of the party and counterparty to net under said netting agreement, wherein said netting determination includes a qualification of said netting agreement and a level of confidence indicative of enforceability, wherein the level of confidence is retrieved from a rule database based on an outcome of the rule application.

11. *(Previously Presented) The method of claim 10, further comprising:*
identifying fact data associated with a second issue;
applying a second netting rule to said fact data for said second issue, said second netting rule selected based at least in part on said second issue; and
generating a netting determination based at least in part on said application of said netting rule and said second netting rule.
12. *(Previously Presented) The method of claim 11, further comprising:*
identifying fact data associated with a third issue;
establishing a new netting rule based at least in part on said fact data and said third issue;
applying said new netting rule to said fact data for said third issue;
generating a netting determination based at least in part on said application of said netting rule and said new netting rule.
13. *(Canceled)*
14. *(Previously Amended) The method of claim 10, further comprising:*
updating a credit database based on the generated netting determination.
15. *(Previously Amended) The method of claim 10, further comprising:*

updating a FASB database based on the generated netting determination.

16. *(Previously Canceled)*

17. *(Previously Amended) An apparatus for performing netting analysis of counterparty netting agreements, comprising:*

a processor;

a communications device in communication with said processor, receiving counterparty agreement data; and

a memory unit in communication with said processor and storing a program, wherein the processor is operative with said program to:

identify, from said counterparty netting agreement data, a party, a counterparty to said counterparty netting agreement, and facts governing said counterparty netting agreement, the facts of said counterparty netting agreement including: a form of agreement, a governing law, a country of organization, a state or province of organization, a legal structure, and a parent company country of organization;

receive at least one issue associated with said agreement, the at least one issue based on an existence or non-existence of particular facts in the facts governing said netting agreement;

analyze said agreement by comparing, said facts governing said netting counterparty netting agreement data with a netting rule that applies to said counterparty netting agreement for said at least one issue, said netting rule is established by training a netting decision engine; and

generate a netting determination for said counterparty netting agreement based at least in part on a result of said analyzing and indicative of an ability of the party

and counterparty to net under said counterparty netting agreement, wherein said netting determination includes a qualification of said netting agreement and a level of confidence indicative of enforceability, wherein the level of confidence is retrieved from a rule database based on an outcome of the rule application.

18. (Previously Amended) A processor-readable medium storing a plurality of processing instructions, for performing a netting analysis of a netting agreement, comprising issuable instructions by a processor to:

identify fact data associated with said netting agreement, said fact data including data identifying a contracting entity and data identifying a counterparty;

identify a default set of issues associated with said netting agreement, said default set of issues based on an existence or non-existence of particular facts governing said netting agreement;

identify facts in said fact data associated with said netting agreement and associated with a first issue from said default set of issues, said facts including: a form of agreement, a governing law, a country of organization, a state or province of organization, a legal structure, a parent company country of organization, and a parent company legal structure;

analyze said netting agreement by applying a netting rule to said fact data for said first issue, said netting rule selected based at least in part on said first issue, said netting rule is established by training a netting decision engine; and

generate a netting determination based at least in part on said analyzing and indicative of an ability of the party and counterparty to net under said netting agreement, wherein said netting determination includes a qualification of said netting agreement and a level of confidence indicative of enforceability, wherein the level of

confidence is retrieved from a rule database based on an outcome of the rule application.

19. (Previously Canceled)

Reasons for Allowance

6. With regards to claim 1, the prior art of records does neither anticipate nor render obvious, *inter alia*, as a whole, the uniquely patentable feature of :"analyzing said netting agreement by comparing, via a processor, facts governing said netting agreement information with a netting rule that applies to the netting agreement for said at least one issue, said netting rule is established by training a netting decision engine; and generating a netting determination indicative of an ability of the party and counterparty to net under said netting agreement based, at least in part, on a result of said analyzing, wherein said netting determination includes a qualification of said netting agreement and a level of confidence indicative of enforceability, wherein the level of confidence is retrieved from a rule database based on an outcome of the rule application" in a method directed to *performing a netting analysis of a netting agreement.*

The reasons for allowance for all the other independent claims and dependent claims are the same as set forth for claim 1 above because they all include same/similar limitation indicated above for the reasons for allowance.

Discussion of Cited Prior Art

7. The applicant's remarks filed in response dated December 23, 2009, see pages 10-11 are persuasive and compelling that the cited prior art of Gavin Bell (UK Patent Application # 2 354 608), does neither disclose or renders obvious the unique features as listed above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bijendra K. Shrestha whose telephone number is (571) 270-1374. The examiner can normally be reached on 8:00 AM-4:30 PM (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Art Unit: 3691

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bijendra K. Shrestha/
Examiner, Art Unit 3691
03/23/2010

/Hani M. Kazimi/

Primary Examiner, Art Unit 3691